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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,214

02/09/2004

David Weck

609-019

6744

22429

7590

08/26/2005

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/773,214	Applicant(s) WECK ET AL.	
	Examiner John Q. Nguyen	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that "vertically and horizontally" (claim 3, line 2, claims 13, 23) should be deleted, that —distal—should be inserted before "ends" (claim 4, line 1, claims 14, 24).

Claim 6, 10, 16 recites the limitation "the leg ". There is insufficient antecedent basis for this limitation in the claim.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11, 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lin (US-6883537).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 12-15, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US-6883537) in view of Pitcher (US-3227386).

Pitcher discloses another roll holder having rods 13 as claimed including an angled second portion 14. The angled portion appears to be about 30 degrees. It would have been obvious to a person having ordinary skill in the art to alternatively provide the holder portion of Lin with a holder portion comprising of rods as taught by Pitcher to reduce material requirements and thus weight and costs.

Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Pitcher as applied to claims 2-5, 12-15, 22-25 above, and further in view of Uitendaal (US-1871483).

Uitendaal discloses a roll of flexible wound material 5 anchored by a spike. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Lin modified as above with a spike to anchor/support the hose.

Claims 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US-6883537) in view of Uitendaal (US-1871483).

Uitendaal discloses a roll of flexible wound material 5 anchored by a spike. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Lin with a spike to anchor/support the hose.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Pitcher and Uitendaal as applied to claim 6 above, and further in view of Gorham (US-3952878) and Stillman, jr. (US-3727357).

Gorham and Stillman, Jr. disclose various spike designs. Gorham teaches a spike with a tongue S and base P. Stillman discloses w-shaped "base" 13 and 14 (see fig. 5). In view of the prior art as a whole, it would have been obvious to a person having ordinary skill in the art to provide the spike of Lin modified as above as one taught by Gorham and with a base as taught by Stillman, Jr. to increase the surface area to increase stability. That the spike is secured to a wall would have been obvious to a person having ordinary skill in the art to support the apparatus since it is an obvious expedient to secure a device to a wall for stability. The spacing of claim 10 would have been obvious to a person having ordinary skill in the art to provide for sufficient spacing to support the hose for the apparatus to be functional.

Claims 17-20, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Uitendaal as applied to claim 16 and 26 above, and further in view of Gorham (US-3952878) and Stillman, jr. (US-3727357).

Gorham and Stillman, Jr. disclose various spike designs. Gorham teaches a spike with a tongue S and base P. Stillman discloses w-shaped "base" 13 and 14 (see fig. 5). In view of the prior art as a whole, it would have been obvious to a person having ordinary skill in the art to provide the spike of Lin modified as above as one taught by Gorham and with a base as taught by Stillman, Jr. to increase the surface area to increase stability. That the spike is secured to a wall would have been obvious to a person having ordinary skill in the art to support the apparatus since it is an obvious expedient to secure a device to a wall for stability. The spacing of claims 20 and 30 would have been obvious to a person having ordinary skill in the art to provide for sufficient spacing to support the hose for the apparatus to be functional.

Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baldwin (US-1202645) is cited to show another hose reel apparatus.

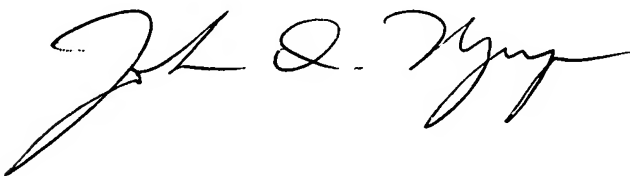
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and

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Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "John Q. Nguyen". The signature is fluid and cursive, with a large initial "J" and "N".

John Q. Nguyen
Primary Examiner
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